

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAMA DIOP,

Plaintiff,

v.

COUNTY OF MARIN, ET AL.

Defendants.

No. C 12-06332 JSW

**ORDER DENYING AS MOOT  
MOTION TO DISMISS**

On October 1, 2013, the Court issued an Order directing Plaintiff to file a *final version* of her Second Amended Complaint by no later than October 31, 2013. Plaintiff complied with that Order and filed her Second Amended Complaint on October 31, 2013. However, before the Complaint could be docketed, on November 4, 2013, the City of Mill Valley, the Mill Valley Police Department, Mill Valley Police Officers Michael Lance, Lance C. Milde, and Scott Brook, and Mill Valley Sgt. Wrapps filed a motion to dismiss, pursuant to Federal Rule of Civil Procedure 41, for failure to comply with that Order. Because the only basis for Defendants' motion is the failure to comply with the Court's deadline, and because Plaintiff did comply with the deadline, the Court DENIES the motion as moot, and it VACATES the hearing scheduled for January 10, 2013.

Plaintiff is proceeding *in forma pauperis*, and under 28 U.S.C. Section 1915(e)(2)(B), the Court is required to dismiss an action that is frivolous or fails to state a claim. The Court will consider the Second Amended Complaint to determine whether Plaintiff has cured the deficiencies previously identified by Judge Hamilton, whether the Court must dismiss under

1 Section 1915(e)(2)(B), or whether the Court should order service on the Defendants.

2 **IT IS SO ORDERED.**

3  
4 Dated: November 6, 2013

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RAMA DIOP,

Plaintiff,

v.

COUNTY OF MARINE et al,

Defendant.

Case Number: CV12-06332 JSW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 6, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rama Diop  
527 Hillside Avenue  
Mill Valley, CA 94941

Dated: November 6, 2013



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk